

# FY 2010 Community Revenue Sharing Program

## APPLICATION FORMS

Filing Deadline: June 1, 2009



**State of Alaska  
Sarah Palin, Governor**

**Department of Commerce, Community,  
and Economic Development  
Emil Notti, Commissioner**

**Division of Community and Regional Affairs  
Tara Jollie, Director**



STATE OF ALASKA  
DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

*Sarah Palin, Governor*  
*Emil Notti, Commissioner*  
*Tara Jollie, Director*

Division of Community & Regional Affairs

Dear Municipal Official:

The Division of Community and Regional Affairs (DCRA) is pleased to provide you with the attached FY 10 Community Revenue Sharing Program application. **To participate in the FY 10 Community Revenue Sharing Program, this application must be completed and returned to the Department, postmarked no later than June 1, 2009.**

The application consists of three pages. Page one, or the cover sheet, provides several questions that must be answered in order to determine whether the borough meets the minimum qualifications for funding as required by law. Page one also provides a "certification and assurances" statement that must be signed by either the mayor, manager or administrator of the borough. Page two consists of a FY 10 Community Revenue Sharing Program budget form. The budget form, which provides an estimate of the borough's FY 10 Community Revenue Sharing payment, must be completed and returned with the application cover sheet.

Page three is a sample resolution for use by the borough assembly to identify to the DCRA the unincorporated communities located within the borough it determines to be eligible for funding under the FY 10 Community Revenue Sharing Program. We have attached the pertinent statutes and regulations to assist the borough in making its eligibility determinations.

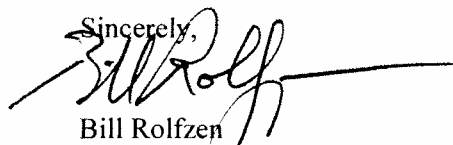
**In addition to the completed application, each borough must submit to the DCRA a copy of its approved FY 10 borough budget (2009 budget for boroughs operating on a calendar fiscal year) and FY 08 audit.** However, if you have already submitted these documents to the DCRA, you do not have to submit them again.

The completed FY 10 Community Revenue Sharing application, FY 10 borough budget, and FY 08 audit should be submitted to:

Division of Community and Regional Affairs  
Community Revenue Sharing Program  
P.O. Box 110809  
Juneau, AK 99811

Please be aware that funding for the Community Revenue Sharing Program will decline substantially in future years if the Legislature decides not to appropriate additional monies into the Community Revenue Sharing Fund. For example, with no further appropriations, payments will decline by over 33% in FY 11, 55% in FY 12, and no funding will be available for distribution in FY 13.

Should you have any questions regarding the FY 09 Community Revenue Sharing Program, please feel free to call me at 907-465-4733.

Sincerely,  
  
Bill Rolfzen  
Program Administrator

P.O. Box 110809, Juneau, Alaska 99811-0809  
Telephone: (907) 465-4751 Fax: (907) 465-4761 Text Telephone: (907) 465-5437  
Email: [questions@alaska.gov](mailto:questions@alaska.gov) Website: <http://www.commerce.state.ak.us/dcra/>

# FY 2010

## COMMUNITY REVENUE SHARING PROGRAM

### APPLICATION COVER SHEET

--	--

Name of Municipality

Date

--

Mailing Address

	907-
--	------

City, State, Zip Code

Phone

“Minimum Qualifications”	Yes	No	Not Applicable
a. Did your municipality successfully conduct its most recently scheduled local regular election?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are regular meetings of the governing body held in accordance with local code and a record of the proceedings maintained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have your municipality’s ordinances been codified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. If the municipality levies and collects property taxes, has the municipality provided the Taxpayer Notice required by AS 29.45.020?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. If the borough levies and collects only a sales and use tax, has the borough provided the Taxpayer Notice required by AS 29.45.660?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### “Certification and Assurances”

The applicant certifies that to the best of my knowledge and belief, the information contained in this application is true and correct and the applicant agrees to comply with the laws and regulations which are used to administer Community Revenue Sharing Program funds.

\_\_\_\_\_  
Mayor, Manager or Administrator  
Printed Name

\_\_\_\_\_  
Mayor, Manager or Administrator  
Signature

# FY 2010 Community Revenue Sharing Budget Form

---

(Name of Municipality)

Please describe below how your municipality proposes to use its estimated FY 2010 Community Revenue Sharing payment.

FUEL	\$ _____
ELECTRICITY	\$ _____
INSURANCE	\$ _____
EDUCATION	\$ _____
WATER/SEWER	\$ _____
PUBLIC SAFETY	\$ _____
FIRE	\$ _____
ROAD MAINTENANCE	\$ _____
HARBORS	\$ _____
HEALTH	\$ _____
LOCAL TAX RELIEF	\$ _____
GENERAL ADMINISTRATION	\$ _____
OTHER _____	\$ _____
OTHER _____	\$ _____
OTHER _____	\$ _____
<b>ESTIMATED PAYMENT</b>	<b>\$ _____</b>

**RESOLUTION # \_\_\_\_\_**  
**APPROVING UNINCORPORATED COMMUNITIES**  
**FOR PARTICIPATION IN THE**  
**FY 10 COMMUNITY REVENUE SHARING PROGRAM**

A RESOLUTION APPROVING CERTAIN UNINCORPORATED COMMUNITIES AND THEIR RESPECTIVE NATIVE VILLAGE COUNCIL AND/OR INCORPORATED NONPROFIT ENTITY FOR PARTICIPATION IN THE FY 10 COMMUNITY REVENUE SHARING PROGRAM.

WHEREAS, AS 29.60.865 and 3 AAC 180.070 require the assembly of a borough or unified municipality to adopt a resolution identifying those unincorporated communities located within their municipal boundaries that the assembly determines meet the Community Revenue Sharing Program eligibility criteria established under AS 29.60.865, AS 29.60.879, and 3 AAC 180.110, and

WHEREAS, the unincorporated community has either a Native village council or incorporated nonprofit entity that will agree to receive and spend the Community Revenue Sharing payment for the public benefit of the unincorporated community; and

WHEREAS, the unincorporated community has 25 or more residents residing as a social unit; and

WHEREAS, at least three of the following services; fire protection, emergency medical, water and sewer, solid waste management, public road or ice road maintenance, public health, and search and rescue; are generally available to all residents of the unincorporated community and each of the three services, in any combination, are provided by one or more qualifying Native village council or incorporated nonprofit entity or are substantially paid for by the residents of the unincorporated community through taxes, charges, or assessments levied or authorized by the borough or unified municipality;

NOW THEREFORE BE IT RESOLVED THAT: The Assembly by this resolution hereby certifies that the following unincorporated communities and their respective Native village council or incorporated nonprofit entity are eligible for funding under the FY 10 Community Revenue Sharing Program:

Unincorporated Community	Native village council or nonprofit entity
_____	_____
_____	_____
_____	_____
_____	_____

PASSED AND APPROVED by a duly constituted quorum of the Assembly of the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNED: \_\_\_\_\_  
(Mayor)

ATTEST: \_\_\_\_\_  
(Clerk)



# **LAWS OF ALASKA**

**2008**

**Source**

HCS CSSB 72(FIN) am H

**Chapter No.**

**12 SLA 08**

**AN ACT**

Relating to the community revenue sharing program; repealing certain programs providing state payments to municipalities and other entities; and providing for an effective date.

---

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**THE ACT FOLLOWS ON PAGE 1**

1           **Sec. 29.60.860. Per capita payment increases.** (a) Subject to (b) of this  
2 section, if the amount available for distribution under AS 29.60.850(c) exceeds the  
3 amount needed to fully fund all the basic community revenue sharing payments, the  
4 balance shall be distributed on a per capita basis to municipalities, to reserves, and to  
5 communities in the unorganized borough.

6           (b) The per capita amount distributed to each community in the unorganized  
7 borough may not, when added to the basic community revenue sharing payment for  
8 that community, exceed the basic amount calculated under AS 29.60.855(b)(3). If the  
9 per capita distribution for a community exceeds the basic amount calculated under  
10 AS 29.60.855(b)(3), the excess amount shall be distributed on a per capita basis to  
11 other communities in the unorganized borough.

12           (c) For purposes of this section, the population of a municipality, reserve, or  
13 community shall be determined by using the numbers of permanent fund dividend  
14 recipients or other population data that the department determines is reliable. For  
15 purposes of determining the population of a borough, the population of each city in the  
16 borough shall be deducted from the total borough population.

17           **Sec. 29.60.865. Eligibility requirements for reserves and communities.** (a)  
18 The department, with advice from the Department of Law, shall determine whether  
19 there is in each community or reserve an incorporated nonprofit entity or a Native  
20 village council that will agree to receive and spend the community revenue sharing  
21 payment. If there is more than one qualified entity in a reserve or community in the  
22 unorganized borough, the department shall pay the money to the entity that the  
23 department finds most qualified to receive and spend the money on behalf of the  
24 reserve or community. The department may not make a community revenue sharing  
25 payment to a Native village council unless the council waives immunity from suit for  
26 claims arising out of activities of the council related to the payment. A waiver of  
27 immunity from suit under this section must be on a form provided by the Department  
28 of Law. If there is no qualified incorporated nonprofit entity or Native village council  
29 in a reserve or community that is willing to receive the community revenue sharing  
30 payment and use the payment on behalf of that reserve or community, the payment for  
31 that reserve or community may not be paid. Neither this section nor any action taken



1 under it enlarges or diminishes the governmental authority or jurisdiction of a Native  
2 village council.

3 (b) The department may make a community revenue sharing payment on  
4 behalf of a community in a borough or unified municipality only to the municipality  
5 for payment by the municipality to an incorporated nonprofit entity or Native village  
6 council that has been approved by the assembly and meets the requirements of (a) of  
7 this section. The department shall have written evidence of the assembly approval. If  
8 there is more than one qualified entity in a community in a borough or unified  
9 municipality, one of the entities may receive the entire payment, or the payment may  
10 be shared between two or more of the qualified entities, as determined by the  
11 assembly.

12 (c) A community in a borough or unified municipality is eligible for a  
13 community revenue sharing payment only if at least three of the following services are  
14 generally available to all residents of the community and each of the three services, in  
15 any combination, are provided by one or more qualifying incorporated nonprofit  
16 entities or a Native village council or are substantially paid for by the residents of the  
17 community through taxes, charges, or assessments levied or authorized by the borough  
18 or unified municipality:

- 19 (1) fire protection;  
20 (2) emergency medical;  
21 (3) water and sewer;  
22 (4) solid waste management;  
23 (5) public road or ice road maintenance;  
24 (6) public health;  
25 (7) search and rescue.

26 **Sec. 29.60.879. Definitions.** In AS 29.60.850 - 29.60.879,

27 (1) "community" means a place in the unorganized borough, in a  
28 borough, or in a unified municipality that is not incorporated as a municipality, that is  
29 not a reserve, and in which 25 or more individuals reside as a social unit;

30 (2) "reserve" means a place that is organized under federal law as an  
31 Indian reserve that existed before enactment of 43 U.S.C. 1618(a) and is continued in





## EMERGENCY REGULATIONS

Register 186, July 2008 COMMERCE, COMMUNITY AND ECON. DEV.

(3) the qualifying entity must agree to make a service or facility provided with money received under AS 29.80.855 and AS 29.80.860 available to every person in the community regardless of race, religion, color, national origin, age physical handicap, sex, marital status, changes in marital status, pregnancy, parenthood, or political affiliation; and

(4) the entity that is an incorporated nonprofit is considered active and in good standing with the department. (Eff. 5 / 15 /2008, Register 186 )

Authority: AS 44.33.020

**3 AAC 180.070. Standards for payment on behalf of communities located within boroughs and unified municipalities.** A borough or unified municipality shall submit to the division a resolution adopted by the assembly which clearly identifies



(1) the communities it has determined meet the eligibility criteria under AS 29.60.865, AS 29.60.879, and 3 AAC 180.110; and

(2) the Native village council or incorporated nonprofit entity located within each community listed under (1) of this section that it has approved as the recipient of the community revenue sharing payment. (Eff. 5 - 15 2008, Register 186 )

Authority: AS 44.33.020

**3 AAC 180.080. Determination of most qualified entity.** If the division determines

## EMERGENCY REGULATIONS

Register *186, July* 2008 COMMERCE, COMMUNITY AND ECON. DEV.

**3 AAC 180.110. Determination of social unit.** (a) The following factors shall be considered as presumptive evidence that individuals permanently residing in a community are considered a social unit under AS 29.60.879(1) for purposes of determining community eligibility under AS 29.60.865:

(1) the geographic area in which the persons reside is not disproportionate in size to that number of persons; in determining whether this standard has been met consideration shall be made to the physical topography of the area, the use of the land, land ownership patterns, and other factors that could affect population density; an area with a population density of at least 14 persons per square mile is considered to have met this standard;

(2) persons residing in that area are a discrete and identifiable unit; in determining whether this standard has been met, consideration shall be made to the school enrollment, sources of employment, voter registration, and the permanency of dwelling units; if the area has at least one commercial establishment, and if persons residing in the area do so in permanent dwelling units and their children are enrolled in an operating school in or near the area, this standard is considered to have been met.

(b) Individuals residing in the following places are not considered to be a social unit under AS 29.60.879(1) for purposes of determining community eligibility under AS 29.60.865:

(1) a place where public access or the right to reside at the location is restricted;



## EMERGENCY REGULATIONS

Register 186, July 2008 COMMERCE, COMMUNITY AND ECON. DEV.

(2) a place that is contiguous to a city and is dependent upon the city to the extent that it exists only because the city exists; or

(3) a place provided by an employer which is populated primarily by persons who are required to reside there as a condition of their employment.

(Eff. 5 / 15 /2008, Register 186 )

**Authority:** AS 44.33.020

**3 AAC 180.120. Preliminary and final payments.** (a) Upon a finding by the director that it is in the state's best interest, the division may make preliminary community revenue sharing payments to eligible municipalities, communities located in the unorganized borough, and reserves. The amount of the preliminary payment shall equal the sum of the basic payment calculated under AS 29.60.855 and one-half of the estimated per capita payment calculated under AS 29.60.860.

(b) Immediately after identifying and verifying all information necessary to calculate final community revenue sharing payments, the division will calculate and distribute final payments to all eligible municipalities, communities, and reserves. The amount of the final payment for each eligible municipality, community, and reserve shall equal the difference between the amount of the total payments calculated under AS 29.60.855 and AS 29.60.860 and the amount distributed under (a) of this section. (Eff. 5 / 15 /2008, Register 186 )

**Authority:** AS 44.33.020